



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/522,208

10/27/2005

Mezher Hussein Ali

AC-21-US

3691

50446 7590 08/14/2009

HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN, NJ 07041

EXAMINER

CHANG, CELIA C

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

08/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1625

ATTACHMENT TO ADVISORY

The after final amendment dated Aug. 3, 2009 will not be entered for the following reasons:

1. There is no good reason why the amendment and the supporting IDS could not be filed earlier.
2. The amendment does not obviate the 112 first paragraph rejection because no antecedent basis of what is the "C₁₋₄alkyl ester" is located and how many of such modification can exist in the molecule. Please note that the optionally substituents contain free hydroxyl and free amino which are candidates for acylation. In addition is the "C₁₋₄alkyl ester" referring to compound-O-CO-C₁₋₄alkyl or compound-O-(CO)O- C₁₋₄alkyl? Please note that both are known to be pro-drug modification in form of esters.
3. Upon clarification of where, how many and what form is the "C₁₋₄alkyl ester" in structure, it may be new matter and new search must be made with respect to the specific ester. See i.e. CA114:102632 disclosed "C₁₋₄alkyl ester" of the instant amended claims. Thus, new search and new issues must be raised.

/CeliaChang/

Primary Examiner, AU1625